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DIGEST OF SIGNIFICANT CLASSIFICATION DECISIONS AND OPINIONS

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[Main Menu](#) [Help Screen](#)

Note to Readers

The guidance in this issue is still applicable and useful in classifying positions in the Federal government. However, there may be references to names and addresses of organizations within the U.S. Office of Personnel Management that have changed, names of individuals no longer employed at the Office of Personnel Management, or documents such as the Federal Personnel Manual that no longer exist.

For the December 1997 HRCD-4 release, the Office of Classification Appeals and Fair Labor Standards Act Programs made minor, nonsubstantive edits to Digest issues 1 through 19. For example, acronyms and abbreviations were spelled out in many places, references to law and regulation were expanded, typographical errors were corrected, leading zeros were added to 3-digit series numbers, outdated prefaces have been deleted, and the issuance date were added to the header of each page. Because of the change from the original paper version to an electronic format, the page numbers in Digest issues 1 through 19 and other references, such as the General Schedule classification standards and Federal Wage System job grading standards, now available electronically may have changed. In issues 1 through 19, where there is a reference to a page, we either eliminated the page reference or updated the page number with the page number of the electronic version. Beginning with issue 20, pages references are to the electronic version only. Please note that pages numbers may change when a file is printed depending on the format and printer used.

The Office of Classification Appeals and Fair Labor Standards Act Programs is responsible for the content of the Digest. We be reached by telephone at 202-606-2990, by fax at 202-606-2663, or by email at ADOMSOE@OPM.GOV.

Digest issues are also available on the Office of Personnel Management's website and electronic bulletin board. The website address is <http://www.opm.gov> and the electronic bulletin board is OPM ONLINE. Using a modem, dial OPM ONLINE at 202-606-4800. Long distance telephone charges may apply.

Standard: The Classifier's Handbook
(August 1991)

Factor: N/A

Issue: Assigning factor levels using factor level
descriptions and benchmarks

Identification of the Classification Issue

In deciding classification appeals, the Office of Personnel Management occasionally receives agency position evaluations which deny factor levels by comparing positions to Benchmarks or illustrations, rather than to factor level descriptions. In some cases, an agency may deny a grade to a position by pointing out that the position does not match the overall intent of a benchmark job description at that grade. The issue is whether this practice is consistent with Office of Personnel Management classification guidance.

Resolution

The Classifier's Handbook (chapter 2) contains the following guidance on the Factor Evaluation System:

Each factor level description represents the minimum or "threshold" for that factor. If the position factor exceeds one factor level but fails to meet fully the intent of the next higher factor level, then the lower point value must be credited. A position factor must meet the full intent of a factor level to be credited with that level.

NOTE: *Benchmark factor levels and illustrations* used in factor level descriptions may not always represent the threshold creditable for that factor. They may reflect conditions that fall anywhere in the range for that factor level. If a position factor appears to fall short of the benchmark factor level or illustration being used for evaluation, then the basic factor level description should be referenced to be sure that the correct point value is credited.

This distinction between factor level descriptions, which represent thresholds, and benchmark factor levels, which do not necessarily represent thresholds, is important in applying Factor Evaluation System standards which contain benchmarks. A factor level may be credited by reference to either benchmark factor levels or factor level descriptions, but credit for a factor level may be denied only by reference to factor level descriptions. In addition, *illustrations, whether in*

benchmarks or factor level descriptions, should not be used alone to deny credit for a factor level because illustrations do not necessarily represent factor level thresholds. Illustrations should be used only in combination with the factor level descriptions.

Standard: N/A

Factor: N/A

Issue: Classifying deputy or assistant chief duties

Identification of the Classification Issue

This issue arose in the adjudication of an appeal in which the appellant requested a higher grade and contended that the agency had not considered the complete scope of his duties and responsibilities in evaluating his position. The primary duties of the appellant's position involved serving as chief of the Management-Employee Relations Branch of a personnel office; in this role, he supervised a small number of employees in one- and two-grade interval positions. As a secondary duty, he spent about 30 percent of his time functioning as deputy to the personnel officer by sharing many of the personnel officer's duties and acting in his absence. The appellant's request for a higher grade was based, in part, on his duties as deputy to the personnel officer.

Resolution

The Office of Personnel Management first evaluated the duties of chief of the Management-Employee Relations Branch by application of the Pilot Supervisory Guide (now superseded) for Department of Defense positions. These supervisory duties were evaluated at the GS-12 level.

Part I of the classification standard for the Personnel Management Series, GS-0201, and the Supervisory Grade-Evaluation Guide both require that the grade of a deputy or assistant chief position be determined by first establishing the grade of the chief position. Guidance in the Supervisory Grade-Evaluation Guide provides that a deputy position is to be evaluated one grade lower than that of the chief when the deputy is a full assistant to the chief, occupies a position in the direct supervisory line, and shares in and assists the chief with respect to all phases of the work of the organization. This principle is recognized in several other classification standards, in addition to those cited above, including GS-0105, GS-0505, GS-0673, and GS-1630, and is discussed in issues numbers 3 and 15 of the Digest. The crucial determination in this case was whether the appellant could be considered a full assistant to the personnel officer.

The Office of Personnel Management determined that, except in the absence of the personnel officer, the appellant did not function in a direct supervisory line over the personnel office. In addition, while the appellant shared many of the personnel officer's duties when he was present (e.g., attending meetings, signing documents such as training forms, coordinating and managing special projects, and providing input to personnel management decisions affecting other branch chiefs), the appellant did not normally participate, to a significant degree, in the direction and supervision of all phases of the work performed by the other branches in the personnel office.

The Office of Personnel Management concluded that the appellant's role was best characterized as that of a limited assistant to the personnel officer, and that the guidance in Part I of the classification standard for the GS-0201 series was applicable. That guidance provides that the position of a limited assistant is typically evaluated two grades below the grade of the personnel officer. The Office of Personnel Management concluded that the correct grade of the appellant's assistant duties was GS-12, the same grade as his supervisory duties.

Standard: N/A

Factor: N/A

Issue: Back-up Duties

Identification of the Classification Issue

This issue arose in an Office of Personnel Management region's adjudication of a classification appeal concerning a mixed-series Wage Grade job. The appellant contended that the WG-5409 Water Treatment Plant Operator component of his job should be given an additional grade because of what he considered his shift responsibilities at another plant. The appellant was not regularly assigned to the other plant. He was responsible for the plant only on weekends, and then only in the absence of its regular operator. A supervisor was not present during these times. The Water Treatment Plant Operator standard (May 1992) provides for awarding one additional grade to jobs when workers assume additional responsibility on shifts during which a supervisor is not present. The issue was whether this provision also applied to the discharge of the appellant's responsibilities at the other plant.

Resolution

Part 1 of the Job Grading System for Trades and Labor Occupations states that duties performed only in the absence of another employee or to meet emergency workloads should not be considered as regular and recurring duties when grading mixed jobs. Since the appellant's duties at the other plant were performed only in the absence of the regular operator, and because they were performed infrequently and irregularly, they could not be considered as a regular and recurring part of his job. The provision for awarding credit for shift responsibility was found not to apply to the appellant's responsibilities at the other plant because these responsibilities could not be considered when grading his job.

Standard: N/A

Factor: N/A

Issue: Distinction between agency restrictions on assignment of duties and the classification of those duties

Identification of the Classification Issue

The issue arose in connection with an appellant's request for reconsideration of an Office of Personnel Management appeal decision that downgraded his position from Security Assistant, GS-0086-6 to Security Clerk, GS-0086-4. The appellant submitted a copy of a directive from his agency that restricted the assignment of certain of his duties to the top secret control assistant, who was to be "an employee GS-5 or above." Included in the restricted duties were such assignments as signing courier receipts and transfer of custody receipts for top secret materials, certifying the transfer of material into the security courier service, transmitting top secret material, and conducting page checks of top secret material. The appellant argued that, because he was assigned these duties, his position should be graded at least at the GS-5 level.

Resolution

Section 7106 of title 5, United States Code, vests agency management with the authority to assign work to positions. Therefore, an agency may limit the assignment of certain duties and responsibilities to specific positions, e.g., to positions at or above a particular grade level. Such a designation or assignment of duties, however, does not warrant classification of the position to the stipulated grade without regard to the actual grade value of the duties. The position as a whole must still be evaluated against the appropriate published standards to determine the grade value of the duties performed (5 U.S.C. 5107).

The Office of Personnel Management found that the security program duties performed by the appellant were correctly classified at the GS-4 level. At least three options were available to the agency: (1) rescind the requirement restricting the appellant's duties to an employee at the GS-5 level, (2) assign the restricted duties to another employee, or (3) strengthen the appellant's job with other duties so that it would support classification at the GS-5 level.

Standard: Entomology Series, GS-0414 (June 1964)

Factor: N/A

Issue: Distinguishing between professional and technical positions

Identification of the Classification Issue

This issue arose in the Office of Personnel Management's consideration of a classification appeal. The appellant was an Entomologist in a research laboratory. The appellant served as a central point for coordinating the insect identifications made by research scientists in the laboratory and, in addition, personally made final identifications of those specimens for which a researcher was not responsible. The issue to be resolved was whether the appellant's duties required full professional skills and knowledge necessary for classification of the position in the Entomology Series, GS-0414.

Resolution

The standard for the GS-0414 series provides specific criteria for distinguishing professional and technical work. In addition, there are succinct and more general definitions of professional and technical work in the Introduction to the Position Classification Standards (section III.C) and The Classifier's Handbook (chapter 4). The two kinds of work are distinguished as follows.

Professional work requires knowledge in a field of science or learning characteristically acquired through education or training equivalent to a bachelor's or higher degree with major study in or pertinent to the specialized field. Work is professional when it requires the exercise of discretion, judgment, and personal responsibility for the application of an organized body of knowledge that is constantly studied to make new discoveries and interpretations and to improve data, materials, and methods. Professional responsibility involves the ability to reason from existing knowledge to unexplored areas; to adapt methods to circumstances that deviate from the standards; and to stay abreast of and evaluate technical subjects, analyses, and proposals in professional literature. It is also important to consider whether management has decided that the work is to be performed following accepted professional methods and practices.

Technical work is typically associated with and supportive of a professional or administrative field. It requires practical knowledge, gained through extensive experience and/or specific training less than that represented by college graduation. Work in technical occupations may involve substantial elements of the work of a professional field, but requires less than full knowledge of the field involved. Technical work requires the execution of tasks, methods,

procedures, and/or computations that are laid out in either published or oral instructions and covered by established precedents or guidelines. Technical work is normally planned and managed by professional employees.

The Office of Personnel Management considered the following facts to arrive at a decision on the correct classification for the appellant's position.

1. Unlike typical technical positions, the appellant's work was not planned and managed by professional employees. The appellant was personally responsible for making independent final identifications for a variety of users of the laboratory's insect identification service, and these identifications did not require the review or approval of higher level researchers in the laboratory.

2. The appellant did not simply apply standard references in making insect identifications. Rather, many of the specimens received for identification were not covered by adequate references. The appellant was required to go beyond existing literature to identify specimens that were unknown to science.

3. The appellant kept abreast of the work of researchers in the laboratory and new literature in the field in order to apply current information to the identification of uncommon species. She used her own judgment in determining whether to seek the expertise of researchers when difficult specimens were encountered.

4. Management's intention in establishing the position was to create a fully professional position with specialized skills in insect taxonomy.

5. The appellant carried out her assignments on the basis of knowledge acquired through completion of the requirements for a college degree in entomology, rather than on the basis of extensive experience and on-the-job training.

After carefully considering the weight and influence of the above facts against the guidance in the GS-0414 standard and the more general criteria in the Introduction and the Handbook, The Office of Personnel Management concluded that the position was properly classified in the professional Entomology Series, GS-0414.

Standards: Introduction to the Position Classification Standards (August 1991)

The Classifier's Handbook (August 1991)

Factor: N/A

Issue: Classifying positions when no standards have been published

Identification of the Classification Issue

This issue arose in an Office of Personnel Management region's adjudication of a classification appeal. The agency used the standard for the Production Control Series, GS-1152, to determine the grade of a position that was classified as Scheduling Technician, GS-0303-6. The appellants performed a variety of tasks required for the control, coordination, and utilization of ranges, terrain, and facilities for recruit training in live fire and nonfire exercises and for recreation activities at a military installation. Their primary duty was to schedule training requests within range, terrain, and safety limitations. The appellants requested their position be classified at the GS-7 level. The Office of Personnel Management had to determine the appropriate classification criteria for evaluating the position.

Resolution

The Introduction to the Position Classification Standards (August 1991) directs that if there are no specific grade-level criteria for the work, as is the case for positions classified in the Miscellaneous Clerk and Assistant Series, GS-0303, an appropriate general classification guide or criteria in a standard or standards for related kinds of work should be applied. The standard selected for cross-series comparison should cover work as similar as possible to the work being evaluated with respect to the following:

- The kind of work processes, functions, or subject matter of work performed.
- The qualifications required to do the work.
- The level of difficulty and responsibility.
- The combination of classification factors which have the greatest influence on the grade level.

The Classifier's Handbook (August 1991), contains the following additional guidance with respect to the application of standards for cross series comparison:

Because of the differences in the nature of work and the qualifications required to do various kinds of work, you should use for comparison only standards or guides that are compatible with the work being evaluated Clerical positions should be evaluated by standards for related kinds of clerical work or by an appropriate guide.

Standards in the Business and Industry Group, GS-1100, cover positions which are assigned work pertaining to and requiring a knowledge of business and trade practices; characteristics and use of equipment, products, or property; or industrial production methods and processes. Within this broad context, production control work includes planning, estimating, scheduling, and expediting the use of labor, machines, and materials in specific manufacturing operations that employ mechanical or automated production systems and methods in the fabrication, rebuilding, overhaul, refurbishing, or repair of equipment, systems, facilities, and supplies. This is administrative work.

The agency, in its evaluation of the position, concluded that an analogy could be drawn between refining raw materials into a finished product, and converting recruits and untrained soldiers into trained soldiers and units. The appellants' work, however, did not require the breadth or depth of knowledge akin to business or trade practices, characteristics of equipment, or the various methods and processes of industrial production work. In terms of assessing the appropriateness of the GS-1152 standard for use as a basis for grade evaluation, the key comparison was that the appealed position did not involve functions of planning (e.g., who is trained), estimating, or expediting the use of labor, machines, or materials, such as weapons and ammunition, in training operations. The planning for training, safety parameters, and priorities (i.e., functions that may have some similarity to production control), was carried out by other employees and was not a part of the duties of the appealed position.

In contrast, the appellants merely scheduled the use of the ranges within prescribed limitations. Theirs was a clerical function. The appellants' work was not similar to production control work in terms of the kind of work processes, functions, and subject matter, or in terms of any of the other criteria listed above for selecting a standard for cross-series comparison. The region applied the criteria in the Grade Level Guide for Clerical and Assistance Work and classified the position as GS-0303-4.

Standard: Telecommunications Series, GS-0391
(March 1990)

Factor: Factor 1 - Knowledge Required by the
Position

Issue: Interpretation of mastery requirement (Level
1-8)

Identification of the Classification Issue

The issue arose in the adjudication of an appeal remanded to an Office of Personnel Management region. In its original decision, the Region evaluated Factor 1 of the appellant's position at Level 1-7. The appellant, in a request for reconsideration, stated that his position of Telecommunications Manager for a Federal installation should be evaluated at Level 1-8. He felt that the work he performed demonstrated a mastery of general telecommunications policy, technology, and programs by successfully incorporating all communications into a totally integrated system. He believed that the system, which included radio, telephone, data, and microwave systems, required in-depth expertise as a specialization in itself and should carry as much weight as any of the examples of specializations mentioned in the classification standard.

Resolution

Level 1-8 in the GS-0391 standard defines a mastery requirement as one sufficient to function as an expert and technical authority in a specialty area. The standard provides illustrations at this level. While these illustrations do not have the import of factor level descriptions, which describe minimum requirements, they do provide specific situations which have knowledge requirements that have been rated by the standard at Level 1-8. These situations typically represent significant numbers of positions within the occupation as a whole. Although the absence of a work situation from the illustrations does not preclude evaluation of the knowledge required in the situation at Level 1-8, the illustrations do help to clarify the overall intent of the factor level description. Illustrations, therefore, should be used in interpreting the factor level descriptions.

An audit of the appellant's position showed that the telephone, data and radio systems were primarily limited to the appellant's activity. Because it was linked to two other microwave systems that were administered by two different activities, the microwave system of the appellant's activity affected power transmission switching capability, data transmission, and law enforcement radio communications of those two organizations. The telecommunications equipment required for the appellant's activity ranged in age from 12 years old to state-of-the-art. The appellant's contacts primarily consisted of activity managers, telecommunications specialists and users of the other two systems. The work did not require him to apply new theories, concepts, or

developments to communications problems not susceptible to treatment by accepted methods, technology, or procedures. Nor was he required to make decisions or recommendations significantly to change, interpret, or develop policies or programs. Thus, his work fell short of the technical authority role and did not require mastery of a specialty area as described in the factor level description at Level 1-8.

One of the illustrations at Level 1-8 describes a telecommunications specialist who plans, organizes, and directs studies to develop long-range (e.g., 5+ years) studies and forecasts and advises top level agency telecommunications and subject-matter managers on applying new developments and advances in the specialty area. Another illustration describes a specialist who makes decisions and develops policies in very difficult assignments such as planning for significantly new or far-reaching telecommunications program requirements, or leading or participating as a technical expert in interagency groups for resolving problems in existing telecommunications systems and programs requiring innovative solutions.

These illustrations clearly show that at Level 1-8, a technical authority role requiring a mastery of an area reflects broad expertise in the specialization or a comprehensive knowledge of telecommunications policy requirements rather than expertise in a specific integrated system or policy requirements at a local or regional level. A Level 1-8 specialist might be someone who regularly provides guidance to operating level telecommunications managers like the appellant on matters such as the application of new technology to specific activity systems. In addition to failing to match Level 1-8 as presented in the factor level description, the appellant's work did not compare with any of the illustrations at this level. Thus, his position was evaluated at Level 1-7.